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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

9 In re:) CASE NO.: BK-S-10-10004-BAM
10) Chapter 11
GERALDINE KIRK-HUGHES,)
11)
Debtor.) Date: OST PENDING
12) Time: OST PENDING

EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING
ON DEBTOR'S MOTION TO SELL 1820 LaVERNE CIRCLE, LAS VEGAS,
NEVADA, AND 5697 E. ARIPA ROAD, HARRISON, IDAHO, AND
TO LIFT THE STAY AS TO THESE TWO PROPERTIES ONLY

16 Debtor GERALDINE KIRK-HUGHES by and through her
17 attorneys, LAW OFFICES OF KIRK-HUGHES & ASSOCIATE/PRO SE,
18 hereby submits this Ex Parte Application for an Order
19 Shortening Time for Hearing Debtor's Motion to Sell 1820
20 LaVerne Circle, Las Vegas, Nevada, and 5697 E. Aripa Road,
21 Harrison, Idaho.

23 This Application is made and based on the following
24 Points and Authorities, the Declaration of the Debtor in
25 support thereof and the pleadings and papers on file herein.

WHEREFORE, Counsel respectfully requests that this Honorable Court hear the above-cited Motion on shortened

1 notice and such other and further relief as may be just and
2 proper.

3 DATED this 16th day of August, 2010.
4

5 **KIRK-HUGHES & ASSOCIATES**

6 /s/ *Geraldine Kirk-Hughes*

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15 **POINTS AND AUTHORITIES**

16 **Introduction:**

17 The Debtor acting in Proper Person brings this Application
18 on for hearing pursuant to Local Bankruptcy Rule 9006 seeking an
19 Order shortening time for notice and hearing for the Motion to
20 sell two properties owned as investments by the Debtor. This
21 Application is further based on the Declaration of the Debtor,
22 Geraldine Kirk-Hughes, filed in support hereof and attached
23 hereto as **Exhibit 1**, which is incorporated by reference herein.

24 The request for shortened time results from the Debtor's
25 need to sell these two (2) properties as soon as possible in
26 order to take advantage of the Short Sales tentatively approved
27 by BAC and to not lose the buyers interested in the LaVerne and
28 Aripa properties. Secondly, these sales will allow the Debtor

1 to modify her Chapter 11 Plan thereby making it a viable Plan
2 that would be acceptable to her Creditors and to the Court.

3 Given that the Debtor has qualified buyers and that BAC
4 Home Loans Servicing, the beneficiary and holder of the
5 Promissory Notes, has conditionally approved the short sales
6 once the Court approves the sales, it is requested that this
7 Court hear the Debtor's Motion at its earliest convenience.

8 An expedited hearing of the Motion is in the best interest of
9 the Debtor and the Creditors.

10 Copies of the Debtor's Motion to Sell and to Lift Stay
11 have been served on the Secured Creditors or their Counsel if
12 known, on the Parties who requested Special Notice or their
13 Counsel if known, on the Las Vegas Office of the U.S. Trustee,
14 on the Las Vegas Office of the IRS and on the Los Angeles
15 Regional Office of the Security and Exchange Commission.

16 **Bankruptcy Rule 9006 and Due Process Requirements:**

17 The proposed shortening of time will not adversely impact
18 any Party's ability to respond to the Motion, since the
19 Parties have had Notice of the Motion as described above.
20 Further, the proposed shortening of time will still allow for
21 compliance with Federal Rules of Bankruptcy Procedure (FRBkP)
22 4001(d)(2) which provides that Objections, if any, to the
23 Motion may be filed and served within the time fixed by the
24 Court.

1 Federal Rule 9006(c)(1) and (d) authorize this Court to
2 reduce the time for a Hearing as well as for a Party to file
3 an Ex Parte Motion to Shorten Time for a Hearing. FRBkP
4 9006(c)(1) states in pertinent part:

5 (c) *Reduction.*

6 (1) *In General.* Except as provided in paragraph (2)
7 of this subdivision, when an act is required or
8 allowed to be done at or within a specified time by
9 these rules or by a notice given thereunder or by
order of court, the court for cause shown may in its
discretion with or without motion or notice order the
period reduced.

10
11 Courts have generally acknowledged that such expedited
12 relief does not violate an individual's Due Process Rights,
13 even if the Motion is an Ex Parte Motion for an Order
14 Shortening Time. Based on "cause shown", Rule 9006 permits the
15 Bankruptcy Court to use its discretion in granting or denying a
16 Motion for an Order Shortening Time. More importantly is the
17 fact that such Ex Parte Motions are usually granted by
18 Bankruptcy Courts. In re Gledhill, 76 F.3d 1070 (10th Cir.Utah
19 (1996); 9 Collier on Bankruptcy 9006.07 (Lawrence P. King ed.,
20 15th ed. 1995)

21
22 The Debtor contends that the Court's decision to shorten
23 time in which to hear her Motion to Sell is essential in order
24 for the Debtor to take advantage of the two (2) qualified
25 buyers and the short sales tentatively offered by BAC Home
26 Loans Servicing, LP.

27
28

1 The Debtor has consulted the Parties as shown on the
2 Attorney Information Sheet for Proposed Order Shortening Time,
3 which is filed concurrently herewith and incorporated by
4 reference herein.

Conclusion:

7 The Debtor in Proper Person respectfully requests this
8 Honorable Court to hear her Motion to Sell on an Order
9 Shortening Time and to grant such other and further relief as
10 may be just and proper.

DATED this 16th day of August, 2010.

KIRK-HUGHES & ASSOCIATES

/s/ Geraldine Kirk-Hughes

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EXHIBIT 1

1 **DECLARATION OF GERALDINE KIRK-HUGHES**
2 **AFFIRMING REQUESTED RELIEF**

3 STATE OF NEVADA)
4)
5 COUNTY OF CLARK)

6 I, Geraldine Kirk-Hughes, declare under penalty of perjury that I am competent
7 to make this Declaration under the laws of the United States and the State of
8 Nevada; that I have read the above Ex Parte Application to Shorten Time and that
9 the facts stated therein are true and correct as attested to by my own personal
10 knowledge, except for those matters attested to upon information and belief; and as
11 to those matters, I believe them to be true.

12 DATED this 16th day of August, 2010.

13 **KIRK-HUGHES & ASSOCIATES**

14 
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